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Free To Do Anything But Make Peace

The free world enters the Geneva conference today free to do anything it pleases except make peace. The united front of freedom has been achieved by denying its members freedom of choice. Whether in Indo-China, France or the United States, decisions are being taken in complete and scarcely concealed disregard for the wishes of their peoples. This is what the Nixon speech to the newspaper editors revealed.

Dulles had already made it clear that we would not take into account the wishes of the Indo-Chinese or the French people. Compromise of any kind, partition, coalition or free elections, was foreclosed when Dulles said we would oppose any communist advance in southeast Asia "by whatever mean" accomplished. Now Nixon has made it clear that the administration is equally indifferent—and prides itself on being able to be indifferent—to what the American people want.

New Variant of the Public Be Damned

These are his words, as reported next morning in indirect discourse by the *New York Times*. Nixon said the United States was "the only country that is strong enough politically at home to take a position that will save Asia." What do these shrewd words mean? They mean that the American government, unlike the British and French, is strong enough to disregard the popular demand for negotiation and peace.

The Administration regards the American people as uninformed and does not intend to be governed by their wishes. Here are Nixon's words again. "With regard to the view that it might be politically expedient to agree to negotiations with Red China," the report of his speech continued, "he said that if the United States left its policy to an uninformed public opinion, it would go down the long road to disaster."

This is a new varient of "the public be damned." The philosophy of big business is being applied by a government of big business. "With or without the support of public opinion," the report continued, "if the situation in Indo-China requires that American troops be sent there to prevent area from disappearing behind the iron curtain, the Administration must face the issue and send the troops, he declared."

A Profound Distrust of Democracy

The leaders of a democratic country have rarely been so transparent in revealing their contempt for democracy and their lack of faith in it. Nixon said the communists would never agree to free elections in Korea because they would lose the election. But apparently we, too, will not risk the verdict of free choice.

Touching upon negotiations for partition or for free elections in Indo-China in which communists might win a place in the government, Nixon said "negotiations in any form would end up in communist domination of a vital new area." This implies a curious faith in the potency of communism.

A New Colonialism

How can this faith in communist potency be reconciled with our criticism of French colonialism? Were this the reasoning of the British and the Dutch, they would still be fighting to deny India and Indonesia their independence lest they fall prey to communism and what kind of independence are we offering Vietnam, Laos and Cambodia if they are to be independent only to follow dictation, eschewing peace, negotiation and free elections?

This distrust of the popular will is reflected in that portion of the Nixon talk which inadvertently cut the ground out from under the Administration's own propaganda about meeting aggression in Asia. He said even an alliance would not "meet the real danger in Asia, which is not aggression but internal subversion."

This kind of a foreign policy comes naturally to the co-author of the Mundt-Nixon bill, which later became the internal security act of 1950, setting up our first subversive activities control board. The implication of what we are doing at home is also the direction of policy abroad. (U. S. News and World Report last week said we would help the French build a new "constabulary" in Indo-China to deal with local "trouble-makers.") Like Japan before the war, we are proposing to police East Asia against "dangerous thoughts" and communism.

A New Co-Prosperity Sphere

Nixon disclosed more fully than ever before the degree to which this Administration sees East Asia through Japan's eyes, as it sees East Europe through Germany's. The main target of the communists, Nixon said, was Japan, not in the sense that they might take over Japan but that they might take over those trading areas on which Japan depends. Of Korea and Indo-China, Nixon said, "conquest of area—so vital to Japan's economy would reduce Japan to an economic satellite of the Soviet Union."

Having fought one war to free the East from Japanese domination, we are now being led back into another war to make it safe again for Japanese exploitation. Just as the Russians are to be "rolled back" in Europe to give the Germans *Lebensraum*, so the fighting is to go on until Southeast Asia can become part of Japan's co-prosperity sphere. We are picking up where the Axis left off. This is why we are so anxious to bolt the doors at Geneva against peace.

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Not An "Anti-Traitor" But An "Eavesdropping" Bill

Martin Dies and Two Ex-FBI Men Oppose Wiretapping

Capitol Hill—Ever since 1940, the Department of Justice has tried to get Congress to authorize wire-tapping. Twice before, in 1940 and 1942, bills passed the House only to die in committee when they reached the Senate. A wire-tapping measure has again passed the House this year, the first item in the Brownell witch hunt program to achieve passage, but may again die in the Senate. The debate in the House showed how well the basic issues are understood and how deeply wire-tapping is feared. Though only 10 members* voted against the bill on final passage, the result was a blow to the prestige of FBI Chief J. Edgar Hoover. The House was told that Hoover preferred no bill at all to a bill which required a court order before wires could be tapped. Yet the Administration bill was rewritten on the floor to make a court order necessary for future wire-tapping.

The most unexpected and one of the best speeches against wire-tapping was made by Thomas J. Dodd, a Democrat from Connecticut, one of two ex-FBI men who opposed the original bill. The speech which revealed most about Congressional opposition to wire-tapping came from another unexpected source—Martin Dies of Texas. This threw new light on why Dies "voluntarily retired" from Congress in 1945 and also put our earliest Congressional witch hunter in the position of a severe critic of the way loyalty cases are tried. Dies complained that three years ago when he defended a former Texas official of the NLRB against charges of Communism, the hearing panel "refused to present a bill of particulars . . . they notified us that the burden of proof was on the defendant . . . the board refused to give us one iota, one scintilla of information that would acquaint us with the nature of the charge or the identity of the accusers."

Dies Called Pro-Hitler

This reflected some painful experiences of his own. Dies told the House his own telephone had been tapped during the war and that he saw "a brochure" of more than 100 pages containing his purported conversations. "There were public officials," he complained, "who said I was subversive . . . In fact, one of them said I was the agent of Hitler."

Dies appealed to the Republicans. He asked them, "If Mr. Biddle were Attorney General today—would you for one moment consider this legislation?"

Dies also advanced the cleverest argument against the bill during the debate. The Texan argued that after the passage of the bill "there is not a spy of any country on earth, however benighted that country may be, who would risk the telephone." Since the FBI does tap wires at present, Dies argued, "you are denying to the FBI sources of information which are now available to them." Rogers (D. Col.) disposed of this altogether by telling the House "former Communist agents have testified that individuals engaged in espionage or treason are trained never to discuss important matters over the telephone." It was Rogers who suggested that the bill ought to be termed an "eavesdropping bill", not an "anti-traitor" measure.

Official Lawlessness

The ex-FBI man, Dodd, was the first of several speakers to take exception to the cheap semantics of calling the wiretap bill an "anti-traitor" measure. Dodd wanted to know whether the purpose was to label as "protraitor" those who had the temerity to vote against the bill. Dodd said the Department of Justice "for many years with its tongue in cheek" had flouted the legislative intention of the Federal Communications Act "by claiming the disclosure of wiretap information as between employes of the Department of Justice is not disclosure at all." He charged that "what public officials do in New York under the wiretapping authority of the State of New York is forbidden under the Federal Communications Act" and should be prosecuted by the Attorney General. He added that there would be no such prosecutions because "the Federal government has dirty hands."

Dodd protested that the bill failed to make wiretapping by "private snoopers" illegal and that it did not cover the two crimes in which telephones *are* used—kidnapping and extortion. He objected to the two hour debate limitation under which the House was being asked "to weigh these great constitutional questions against this request for new and terrible police powers."

Breeds Corruption and Blackmail

Yates (D. Ill.) said he did not doubt that a great deal of additional evidence could be obtained by wiretapping as it can be "by other familiar totalitarian law enforcement measures, such as brutality, the third degree, and illegal search and seizures." He quoted a recent Columbia Law Review study (Vol. 52, pps. 164, 196-97) as finding that "corruption, blackmail, misuse of warrant procedures, failure to prevent unauthorized wiretapping, and loss of general confidence in the security of the telephone as a medium of communication," had been the result of New York's experience even under judicial supervision.

Another ex-FBI man, McCulloch (R. Ohio) rose to say, "I know the temptations that police problems present." He said that "one of the worst features of police power" was "the ability to intercept and interfere with private wire communications." He warned that the bill before the House was "the explosive trigger which can set off by chain reaction the destruction of our American democracy and leave us in the ruins of a police state dictatorship."

The Brownell-Hoover argument against requiring a judicial order was that this might lead to "leaks". "It horrifies me," said Willis (D. La.), "to think that when the Attorney General, his assistants, a stenographer in this department, a mechanic, an official of the telephone company—when people will be assigned to listen in to these conversations for months at a time, when they can all be in on this business, we then do not want a Federal judge to get in on it because we do not trust him."

"Search and Seizure of The Mind"

One of the strange features of the debate was the reversal in position of two leading members of the House Judiciary Committee. Keating (R. N.Y.), under pressure from Hoover and Brownell, had given up his long fight to prevent wiretapping without a court order and was urging that the Attorney General be given this power. Celler (D. N.Y.) who had sponsored the 1940 and 1942 bills giving this power to the Attorney General without judicial supervision now led the fight for a court order. Celler said there would always be the temptation to use the taps for political purposes, that FBI reports were already being used "by certain officials" for such purposes, and that wiretapping was "search and seizure of the mind."

But by far the most revealing remark in the entire debate was made by a proponent of wiretapping under court order, Forrester, (D. Ga.) who spoke—in one breath—of "the do-gooders and the traitors." The do-gooder, the social reformer, is the same as a traitor in the eyes of those who advocate repression. The wiretap bill is framed to make easier the surveillance of liberal and Leftist opinion, not of crime.

* Condon (D. Cal.), Curtis (R. Mo.), Kelley (D. Pa.), Keogh (D. N.Y.), Klein (D. N.Y.), Multer (D. N.Y.), Powell (D. N.Y.), Reams (Ind. Ohio), Thomas (D. Tex.) and Wier (D. Minn.).

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Round This (Unsteady) Globe

Though ordinarily not deficient in humanity, our favorite headline of the past week (it appeared after the Army's bill of particulars against McCarthy, Cohn, Carr and Shine was published) is "Cohn Rips 'Leak' of One-Sided Smear." We would be happy to see one of our better bar associations investigate. Hasn't it often been pointed out that one way to spot a you-know-what lawyer is by his violence in criticizing the procedures of Congressional investigating committees?

We are grateful to Bishop Sheil for his speech against McCarthy. It would be tragic for the Church and it would be tragic for America if clerics like Cardinal Spellman were to succeed in identifying McCarthyism with Roman Catholicism. In these days, when there is often the anguished feeling of seeing the end of the American Republic, one really begins to appreciate the atmosphere and the ideals which made this a nation of nations, a country in which men of all races, of all faiths and none, managed to live together in considerable peace and to approximate in their lives that equality which has been our basic faith. One has only to remember Frank Murphy to realize that a pious Catholic can be a great libertarian. One has only to remember Al Smith to realize that a Catholic can be a social reformer. These things need already to be said. The weakness of McCarthy in the South derives from anti-Catholicism. Bishop Sheil is wiser than Cardinal Spellman. Our hat is off to him.

France's leading newspaper, Le Monde, carried two interesting dispatches from Indo-China on April 8. These concerned the sensational charge made by Secretary of State Dulles on April 5 that a Chinese Communist General, Li Chen-hou, was at the Dienbienphu headquarters of the rebels. Both dispatches were by *Agence France Presse*, the official French news agency. The earlier, from Saigon, said French military quarters would not comment on this charge, but it was made clear that the information used by Dulles did not come from French military intelligence. Later in the day, there was a second dispatch, this time from Hanoi, which quoted a member of the French high command as saying more tactfully that the Ho forces were using Chinese military methods and that there might be a Chinese general with them but that there had been no contact with Chinese in the Indo-Chinese war. As for General Li Chen-hou, this same source identified him only as a Kuomintang general who had been in Indo-China in 1945 when Chiang's armies of occupation held the country north of the 16th parallel.

Israel needs peace, peace with its Arab neighbors, peace in the world. A distinguished committee linked with *Nation Associates* last week produced an excellent plan for a Regional Resources Development Board for the Middle East and a program for the resettlement of the Arab refugees. Unfortunately the report seeks to curry favor with cold war policy by attacking the Arabs as neutralists while Israel "would stand with the democracies were freedom endangered." The trouble is that Russia will go on blocking Arab-Israel peace as long as she feels that if peace were once made the entire area would become a military base against the U.S.S.R. The trouble also is that the Arabs feel that if they sulk long enough the United States may sacrifice Israel to their desire for revenge. Should war come, the Middle East and its oil resources will be the first proving ground for the H-bombs of both sides. There can be stability only if the area is neutralized; only neutrality can safeguard its Holy Places. Israel is too small, too weak, too easily extinguishable to play the dangerous game hinted at in this report. Its friends would be better advised to help build public understanding of the need for the neutralization of the Middle East as a linchpin of world peace than to talk as if the tiny *Yishuv*, established at the cost of so much sacrifice, is worthy of support because it offers itself as a military ally for a new war which would snuff out its life in an instant whichever side won.

In our March 8 issue ("Kafka Might Have Written The Army's Loyalty Form") we published for the first time the Loyalty Certificate Form D D98 used in the armed forces. This has now been supplemented by Defense Directive No. 5210.9, effective April 7, which makes it "the duty of every member of the Armed Forces to report to his commanding officer any information coming to his attention which indicates that retention of any member of the Armed Services is not clearly consistent with the interests of national security." "In future," the London *New Statesman* said of this, "it will be the duty of every American soldier . . . to spy on his comrades and to inform against them if ever they express an unorthodox political opinion." It suggests that the next step should be Political Commissars for the American armed forces. Anybody who ever belonged to or was closely associated with any "front" organization on the Attorney General's list, *or of any organization which fronted for such an organization*, will be debarred from any but "non-sensitive" duties at the lowest rate of pay and if separated will be denied an honorable discharge. The armed services are ordered to cooperate with Federal investigative agencies "and will avoid action tending prematurely to warn suspects that they are under suspicion or to compromise confidential sources of information." The witch hunt has badly disrupted the State Department and other civilian agencies of the government. It can easily do as much for the Armed Services. There is a law which makes it a crime to undermine the morale of the armed services, and to create disaffection among them. It ought to be applied to the man who thought up these Army loyalty procedures. We can think of no better way to serve an enemy than to make the Army a stamping ground for snoopers and stoolpigeons.

The ordeal of Owen Lattimore showed what could be done, Inquisition style, in tripping up a witness during a prolonged interrogation. The longer a man is questioned, the easier it is to trap him into contradictions. At present these contradictions can be utilized in a perjury prosecution only if the government can prove one of the two statements false. Attorney General Brownell, who seems to think the purpose of legal reform is to make life easier for prosecutors, has introduced a proposal which would make the contraditcory statements themselves sufficient. Though the contradictions would have to be "willful," that safeguard is metaphysical and illusory. In practice, a witness who changed his mind or refreshed his recollection would be in danger of going to jail for perjury merely on the basis that he had contradicted himself. Since perjury is now a favorite device for circumventing the statute of limitations and "getting" radicals, this proposal will bear watching. As presented, it applies only to grand jury and court proceedings but could easily be amended to include Congressional committees. This would really give the witch hunters a holiday.

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A Sermon No Pulpit Dares to Preach

Last week-end Easter and Passover coincided. These are the two spring festivals of what is so often referred to as Judaeo-Christian civilization. This is the civilization whose values we are getting ready to defend against those who do not believe in God, think the end justifies the means, place a low value on human life, deny the existence of spirit, and do not hold—as we do—that man is sacred because made in the image of his Creator.

The dual occasion provoked an outpouring of sermons. There were even sermons in unexpected precincts. Popular magazines meditated for a moment—in full color—on the Meaning of the Resurrection. Columnists who prided themselves on being intellectuals wrote (rather ostentatiously) on going to mass or seder. But amid this chorus of piety I did not notice that anyone dealt with what I should have thought an obvious but striking theme. This was the inclusion, among the charges against Dr. J. Robert Oppenheimer, of the allegation that he had opposed the making of the hydrogen bomb on "moral and political" grounds.

* * *

I suppose that on the basis of rendering unto Caesar what is Caesar's, the Church could excusably shy away from any comment on the latter half of this indictment. To say that Dr. Oppenheimer opposed the H-bomb on "political" grounds is in any case too terrifying; it seems to imply that out of some affinity he wickedly objected to blowing the enemy, ideology and all, to smithereens.

But the "moral" half of the indictment is another matter. Is not morality the province of Church and Synagogue? Have we not been told over and over again of the dangers which flow from divorcing science from morality and morality from religion? When a scientist is accused of objecting to the H-bomb on "moral" grounds, it begins to sound as if there were circumstances under which the government regards morality as subversive.

* * *

We have seen many conversions in our time. What if Dr. Oppenheimer should get up at his hearing and say that after long thought he had returned to the faith of his fathers and now took literally the injunction "Thous shalt not kill?" What if the hearing board were forced to bar him from all defense work on the ground that he took the Ten Commandments literally?

Or what if Dr. Oppenheimer got up and said that after long brooding he had been drawn to Jesus and become a Christian and felt impelled to live by the injunction, "Love your enemies . . . resist not evil?" What if he were to say that he could not reconcile the making of newer and bigger bombs with his new found religious belief? How embarrassing if the hearing board were forced to declare Dr. Oppenheimer a security risk because he had become a Christian.

* * *

What if the learned judges were to say to him, "But Dr. Oppenheimer, we too are believers. We, too, honor these injunctions. Yet not to make the most powerful weapon possible is to run the risk that the enemy may overcome us." And what if he were to answer, "I no longer believe the end justifies the means?"

What if Dr. Oppenheimer were to say, "I do not believe that preparations for the mass immolation of human beings, the innocent and the guilty, the civilian and the soldier, the young and the old, the believer and the unbeliever, can morally be justified by any rationalization? Have we not said that we believe each individual precious as a spark struck from some greater Anvil, the vessel of Spirit, the image of his Creator?"

How embarrassing if the Board is compelled to rule that holding such beliefs, though not necessarily proof of disloyalty, nor even intrinsically subversive, does make a man something of a security risk?

* * *

And what if Dr. Oppenheimer takes none of these extreme and radical attitudes, does not speak as a Tolstoyan or a pietist but merely admits that he opposed the H-bomb because he felt that slaughter on so vast a scale was—to use an unscientific, an old-fashioned, a simple-minded term—*wrong*? Suppose he thus pleads guilty by admitting he opposed the H-bomb on moral grounds?

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